"Section 1. That all property owned or used exclusively and reasonably necessary, in conducting any association engaged in the joint and threefold religious, educational and physical development of boys and girls, young men and young women, operating under a state or national organization of like character, and not leased or otherwise used with a view to profit and all endowment funds of the above mentioned religious institutions, not used with a view to profit but for the purpose of maintaining the association and buildings in doing religious work and for the educational or physical development of boys and girls, young men and young women, shall be exempt from taxation."

Minutes of Committee Meetings.

Minutes of Committee on Agricultural Affairs Held February 12, 1935, Regular Meeting.

Present: DeBerry, Sulak, Small, Poage, Beck, Van Zandt, Neal.

Absent: Duggan, Stone, Hill, Hughston, (all excused).

The following bills were acted

- S. B. No. 241 was reported favorably.
- S. B. No. 240 was sent to a sub-committee for redrafting.
- S. B. No. 55 was laid on the table. H. B. No. 47 was reported favor-
- ably with committee amendments. S. B. No. 56 was reported favorably.

DICK DeBERRY, Secretary.

Minutes of Committee on State Affairs Held Wednesday, February

12, 1935, Regular Meeting Present: Pace, Blackert, DeBerry, Fellbaum, Hornsby, Martin, Moore, Oneal, Rawlings, Redditt, Regan, Small, Sulak.

Absent: Collie, Cotten, Holbrook, Hughston, Hopkins, Shivers, Stone, (all excused).

- S. B. No. 110, as amended, was reported favorably with the recommendation it be printed by viva voce vote.
- S. B. No. 250, as amended, was reported favorably by viva voce vote with the recommendation it be printed.
- S. B. No. 264 was reported favorably by viva voce vote with the recommendation it be printed.

S. B. No. 252 was referred to a sub-committee.

W. S. REEVES, Secretary,

Minutes of Committee on Finance February 11, 1935, Regular Meeting.

Present: Redditt, Beck, Burns, Duggan, Hill, Holbrook, Hopkins, Hornsby, Martin, Neal, Oneal, Poage, Rawlings, Regan, Sanderford, Small, Stone, Sulak, Van Zandt, Woodruff.

Absent-Excused: Hughston.

- S. B. No. 37 reported adversely with favorable committee substitute.
- S. B. Nos. 257 and 259 reported favorably.
- S. B. No. 179 reported favorably with committee amendments.
 - S. R. No. 40 reported favorably. NOEL K. BROWN, Secretary.

TWENTY-FIFTH DAY. (Continued.)

Senate Chamber, Austin, Texas, February 14, 1935.

The Senate met at 10 o'clock, a. m., pursuant to recess, and was called to order by Lieutenant Governor Walter F. Woodul.

House Bill No. 197.

Recurring business was H. B. No. 197.

Amendment No. 2.

Senator Martin moved the adoption of his amendment No. 2.

The motion prevailed by viva voce vote.

Amendment No. 3.

Amend H. B. No. 197 by striking out all of lines 2, 3 and 4 on page 3, and substituting therefor the following:

"Said board shall not receive nor in anywise expend any money or moneys appropriated or available to the State from the Federal Government or any other source. But the same when and if received by said board shall be expended by governmental agencies now set up in the State of Texas" or that hereafter may be authorized.

MARTIN.

Senator Pace sent up the following amendment to the amendment by Senator Martin:

Amend Martin amendment No. 3 by striking out the words: "set up" and substituting "recognized."

Senator Oneal sent up the followsubstitute for the Martin ing amendment:

Amend House Bill 197 by adding at end of line 4 on page 3 of printed bill the following:

"Only for investigation and administration purposes, as such advisory board."

ONEAL.

Senator Martin withdrew his amendment No. 3 and Senator Pace withdrew his amendment to the consent.

Senator Oneal's amendment became the original amendment.

Senator Holbrook submitted the following substitute amendment for the amendment by Senator Oneal.

Amend House Bill No. 197 by striking out the last paragraph of Section 4, being lines 2, 3 and 4 on page 3 of the printed bill, and in lieu thereof, insert the following:

"The board is hereby authorized and empowered to accept any funds which may be made available to it from Federal and other sources, which funds shall be expended by and under the direction of such officer or department of State, or governmental agency of the State, municipality or political subdivision of the State, upon whom or which the law imposes the duty of carrying on the activity or governmental function, or making the improvement for which such money is granted." HOPKINS.

Senator Holbrook explained the Hopkins amendment.

At Ease.

On motion of Senator Stone, the Senate stood at ease for five minutes at 10:30 o'clock to study pending amendments.

Called to Order.

The Chair called the Senate to order at 10:35 o'clock, a. m.

Pending business was the amendment by Senator Hopkins.

Motion to Table.

Senator Oneal moved to table the substitute amendment.

The motion to table prevailed by viva voce vote.

Motion to Adopt.

Senator Oneal moved the adoption of his amendment.

The motion prevailed by viva voce

Amendment No. 4.

Senator Martin sent up the following amendment:

Amend H. B. No. 197 by adding at the end of line 54, page 3, after the word "education" the following:

"Said board shall not accept any Martin amendment by unanimous contributions from any person, firm or corporation, public or private to carry on any publicity or educational campaign."

MARTIN.

Read and unanimously adopted.

Senator Martin sent up the following amendment:

Amendment No. 5.

Amend H. B. No. 197 by adding after the word agencies (in line 29), page three the following: Provided said Board shall not in anywise interfere with, control or attempt to control any person or persons in the right to work, labor or earn a livelihood as he or they desire and are not violating any law of the State or Nation."

MARTIN.

Read.

A second reading was called for. Adopted by viva voce vote.

H. S. R. No. 63.

Senator Small asked unanmious consent to suspend the regular order of business and take up H. S. R. No. 63.

Unanimous consent was granted.

The Chair laid before the Senate H. S. R. No. 63.

By Mr. Thornton, et al.:

Whereas, H. B. No. 201 is now in the Senate, and

Whereas, the authors of H. B. No. 201 desire to consider further the bill on the floor of the House.

Now, therefore, Be It Reselved that the Senate be requested to return H. B. No. 201 to the House for further consideration.

H. S. R. No. 63 was adopted unanimously.

House Bill No. 197.

Senator Martin sent up the following amendment to the Redditt amendment:

Amendment No. 6.

Amend the Redditt amendment of H. B. 197 by striking out all of section 2, after the word "members" in line 4, and substituting therefor the following:

"Three (3) of these members shall be: The State Highway Engineer of the State of Texas; the Reclamation Engineer of the State of Texas; and the Chairman of the Board of Water Engineers of the State of Texas, and their successors in office. All of whom shall serve until the expiration of the said board.

These members shall be ex-officio of said board entitled to the same powers, rights and privileges as the remaining six members.

The Governor of the State of Texas shall name four of the remaining six members; two of whom shall be appointed for a term of two years, and two of whom shall be appointed for a term of four years from the effective date of this Act; and one member shall be appointed by the Lieutenant-Governor, and one shall be appointed by the Speaker of the House of Representatives.

The six members appointed by the Governor, Lieutenant-Governor and Speaker of the House of Representatives shall be with the advice and consent of two-thirds of the Senate of the State of Texas present.

The Governor shall have the right to name the chairman of the board and shall also have the right to fill any vacancies which may occur among the membership so appointed by him; and the Lieutenant-Governor and the Speaker of the House of Representatives shall have the right to fill any vacancies which may occur in the place of their appointments.

Before entering upon the discharge of his duties, each member of the board shall qualify by taking the lowing amendment:

oath as required by the Constitution of the State of Texas.

One of the members appointed by the Governor on this board shall be a person who is directly associated with, or engaged in agriculture; and one member shall be affiliated with organized labor; and one member shall be a person experienced in reforestation."

MARTIN.

Read.

Point of Order.

Senator Van Zandt raised a point of order, that the amendment was a substitute for an amendment which had been previously adopted and could not be submitted again. The Chair overruled the point of order.

Motion to Table.

Senator Redditt moved to table the Amendment No. 6 by Senator Martin to his amendment.

Senator Martin discussed Amendment No. 6.

Personal Privilege.

Senator Oneal rose to a point of personal privilege.

House Bill No. 197.

The motion to table Amendment No. 6 by Senator Martin prevailed by the following vote:

Yeas—22.

Blackert. Moore. Burns. Neal. Collie. Oneal. Pace. Cotten. Davis. Poage. DeBerry. Rawlings. Duggan. Redditt. Regan. Fellbaum. Hill. Van Zandt. Westerfeld. Hornsby. Hughston. Woodruff.

Nays-6.

Sanderford. Beck. Stone. Holbrook. Sulak. Martin.

Absent—Excused.

Small. Hopkins. Shivers.

Senator Woodruff sent up the fol-

Amend H. B. 197 substituting the following for Committee Amendment No. 1, section 7-a. No employee of the Texas Planning Board shall be paid a salary or compensation for services under and by authority of said board in excess of the salary or compensation paid to employees of other departments of the State Government as shown in the Departmental bill as passed by the Forty-third Legislature, rendering the same or similar services. No expense of a member or employee of said board shall be chargeable to or paid by said board unless first authorized by formal action of the board.

WOODRUFF.

Read and unanimously adopted.

Senator Woodruff sent up the following amendment.

Amendment.

Amend H. B. No. 197 by adding a new section numbered and reading as follows:

Sec. 8a. It is expressly the purpose of the Legislature in enacting this Act that the functions, powers and duties of the Texas Planning Board herein created shall be to formulation and promulgation of the ing bill: administrative policies of this State, and the preparation and submission of such reports as the Legislature shall from time to time request of such board. No official action or declaration of said board shall suspend, supplement or interfere with any duty, power or authority conferred by any existing law upon any other agency, board, commission or official of this State, any provision contained in preceding sections of this Act to the contrary notwithstanding.

WOODRUFF.

Read.

Motion to Table.

Senator Redditt moved to table the Woodruff amendment. Pending.

Senate Bill No. 291.

Senator Regan received unanimous consent to send up the following bill:

By Senator Regan:

S. B. No. 291, A bill to be entitled

"An Act relating to mining claims and rights, amending Article 5395 of Chapter 5 of Title 86 of the Revised Civil Statutes of Texas, 1925. relating to the time of payment of rentals on mining claims awarded under Article 5397 of Chapter 5 of Title 86 of the Revised Civil Statutes of Texas, 1925, and providing royalties to be paid the State from minerals produced upon such claims; etc., and declaring an emergency."

Read and referred to the Committee on Mining, Irrigation and Drainage.

Senate Bill No. 292.

Senator Burns received unanimous consent to send up the following bill:

By Senator Burns:

S. B. No. 292, A bill to be entitled "An Act making an emergency appropriation of money for the Sam Houston State Teachers College at Huntsville, Texas; providing the purpose thereof and declaring an emergency."

Read and referred to the Committee on Finance.

Senate Bill No. 293.

Senator Hornsby received unaniadvise with the Governor only in the mous consent to send up the follow-

By Senator Hornsby:

S. B. No. 293, A bill to be entitled "An Act making an appropriation of fifteen hundred (\$1500.00) dollars, or so much thereof as may be necessary, out of any money in the State Treasury not otherwise appropriated, to be used by the State Depository Board to pay rent for safety deposit boxes rented by the Board from any bank located in the City of Austin for the purpose of depositing securities, where such obligations for rent have been incurred by the State Depository Board pursuant to Article 2530, Revised Statutes of 1925, as amended by the Acts of the Forty-third Legislature, Regular Session, or as amended by the Acts of the Forty-third Legislature, Second Called Session; and declaring an emergency."

Read and referred to the Committee on Finance.

Senate Bill No. 294.

Senator Rawlings received unani-

mous consent to send up the following bill:

By Senator Rawlings:

S. B. No. 294, A bill to be entitled "An Act (to be known as Article 2777c of the Revised Civil Statutes of 1925) providing for the election of school trustees in independent school districts created by Special Act having within their boundaries a city with a population of not less than 160,000 nor more than 220,000 according to the last preceding Federal census; fixing the terms of office of such school trustees at six years; extending the present terms of office of certain of such school trustees; providing for the filling of vacancies, and the manner of holding elections; repealing all laws and parts of laws (general or special) in conflict with this Act; and declaring an 'emergency."

Read and referred to the Committee on Educational Affairs.

Senate Bill No. 295.

Senator Poage received unanimous consent to send up the following bill:

By Senator Poage:

S. B. No. 295, A bill to be entitled "An Act amending Article 1815 of the Revised Civil Statutes of Texas, 1925, so as to allow the Governor to commission special judges to try any cause in the Court of Civil Appeals when any or all members are disqualified, and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Senate Bill No. 296.

Senator Davis received unanimous consent to send up the following bill:

By Senator Davis:

S. B. No. 296, A bill to be entitled "An Act repealing Chapter 230, pages 772-773, Acts of the Regular Session of the Forty-third Legislature."

Read and referred to the Committee on State Affairs.

Senate Bill No. 297.

Senator Shivers received unanimous consent to send up the following bill:

By Senators Moore, Burns and Shivers:

S. B. No. 297, A bill to be entitled "An Act amending Section Five of Article 8307, Titled of the Revised Civil Statutes of 1925, and Section I of Chapter 224, of the Acts of the 42nd Legislature, 1931, providing that it not be necessary in any suit to set aside an award of the Industrial Accident Board and either party to plead or prove notice of injury, claim of compensation, notice of appeal or timely filing of suit, unless the existence of such facts shall be denied under oath by the opposite party."

Read and referred to the Committee on Civil Jurisprudence.

Senate Bill No. 298.

Senator Van Zandt received unanimous consent to send up the following bill:

By Senator Van Zandt:

S. B. N. 298, A bill to be entitled "An Act defining public utilities, and providing for their regulation; creating the Public Utilities Commission of this State, providing for appointment of commissioners, and fixing their qualifications and compensation, and prescribing their duties and powers, and the manner in which the jurisdiction herein conferred shall be exercised; providing penalties for the violation of this Act, and for the repeal of all laws and parts of laws in conflict herewith."

Read and referred to the Committee on State Affairs.

Recess.

On motion of Senator Redditt the Senate at 12:10 o'clock p. m. recessed until 2:30 o'clock p. m.

After Recess.

The Senate met at 2:30 o'clock p. m. pursuant to recess and was called to order by the Lieutenant-Governor Walter F. Woodul.

At Ease.

On motion of Senator Woodruff the Senate at 2:30 o'clock stood at ease for 15 minutes.

Called to Order.

The Senate was called to order at 2:45 o'clock p. m.

House Bill No. 197.

Pending business was Senator Redditt's motion to table the amendment by Senator Woodruff.

The motion to table prevailed by the following vote:

Yeas-18.

Beck. Hughston. Blackert. Moore. Neal. Burns. Collie. Oneal. Cotten. Pace. Poage. DeBerry. Redditt. Duggan. Fellbaum. Van Zandt. Hornsby. Westerfeld.

Navs-9.

Davis. Sanderford.
Hill. Shivers.
Holbrook. Stone.
Martin. Woodruff.
Rawlings.

Absent-Excused.

Hepkins. Small. Regan. Sulak.

Senator Woodruff sent up the following amendment:

Amend H. B. 197 by adding at the end of line 54, page 3, the following:

"Provided, however, that no expense payable out of any State or Federal fund allocated to said board shall ever be incurred by it for such purpose of promoting public interest in and distribution of information concerning such program, other than the making of its reports to the Governor and the Legislature."

WOODRUFF.

Read.

Second reading called for.

Senator Redditt moved to table the amendment by Senator Woodruff. The motion to table prevailed by the following vote.

Yeas-15.

Blackert. Neal. Burns. Oneal. Collie. Pace. Cotten. Poage. DeBerry. Rawlings. Duggan. Redditt. Hornsby. Van Zandt. Hughston. Westerfeld.

Nays-10.

Beck. Moore.
Davis. Sanderford.
Hill. Shivers.
Holbrook. Sulak.
Martin. Woodruff.

Absent.

Fellbaum. Hopkins. Stone.

Absent-Excused.

Regan.

Small.

Pages Excused.

At 3 o'clock p. m. the Chair announced that the pages would be excused for the remainder of the day, on motion of Senator Regan, made yesterday.

House Bill No. 197.

Senator Holbrook sent up the following amendment to H. B. No. 197.

Amend H. B. No. 197 by adding at the end of Section 6, on page 3 of the bill the following:

Sec. 4. When it appears to the Texas Planning Board or superintendent or managing director of any state home or hospital for mental disease, or any state colony or institution for the care of the mentally defective, deficient, or diseased. or the warden or superintendent of any state prison or penitentiary, correctional school or reformatory, detention home or camp, that a patient or inmate under the care of such institution would be likely, if released without sterilization to procreate a child or children who would have a tendency to serious physical, mental, or nervous disease or deficiency; said superintendent after consultation with his medical staff, if any, shall submit to the State Planning Board or the State Board of Eugenics a recommendation that a surgical operation be performed upon said patient for the prevention of parent-Such operation shall be vasectomy for males and salpingectomy for females, or some similar operation that would not unsex the patient.

Sec. 5. This recommendation shall be in writing and accompanied by a certified statement containing the history of the patient as shown in the records of the institution, so far as it bears upon the recommendation for sterilization, and setting forth the particular reasons why sterilization is recommended.

Sec. 6. The superintendent or managing director of any such state institution shall give written notice by registered mail or otherwise, to the patient, his legal representative. husband, wife, or next of kin, if the name and address of any such are known to him in this state, of the application for the order to sterilize.

The patient or his legal representative, husband, wife or next of kin shall have the right to file with Texas Planning Board or said State Board of Eugenics a protest, with any records or affidavits of facts bearing on the case, and to appear and introduce testimony before the Texas Planning Board or said State Board of Eugenics if desired, and to appeal from any decision of said Board to the courts as provided in The Board may require this Act. additional facts or evidence from any party to the proceeding before passing on the case. Any member of the said Board shall have power to ad--minister oaths to any document or witness in such case.

HOLBROOK.

Point of Order.

Senator Van Zandt raised the point of order that the amendment was not germane to H.B. No. 197.

Senator Holbrook spoke on his amendment.

The Chair Lieutenant-Governor Walter F. Woodul sustained the point of order.

Senator Holbrook sent up the following amendment:

Amend H. B. No. 197 by adding after the comma following the word "State" in line 45, page 3 of the printed bill the following:

"or any municipality or political subdivision of the State,"

HOPKINS.

Read and adopted.

Senator Holbrook sent up the following amendment:

Amend H. B. No. 197 by adding after the period following the word "Act," line 46, page 3 of the printed bill the following:

"Nothing herein shall give the Texas Planning Board the authority to interfere with the obtaining of loans and/or grants by any department or governmental agency of the State, or any municipality or political subdivision of the State. When the Board shall have decided on any plan which contemplates a recommendation to the Federal Government for the granting of aid, or the making of a loan or grant, or the refusal thereof, to any project, before making its recommendations thereon to the Federal agency, it shall first give due notice thereof to the head of the department of the Government. governmental State agency, municipality or political subdivision of the State, affected thereby and provide for an open hearing by all persons interested in such project; the method of giving notice and the fixing of the time and place of hearing to be established by rules which shall be adopted by the board in open session, and a copy thereof filed with the Secretary of State.

HOPKINS.

Read and adopted unanimously.

Senator Holbrook sent up the following amendment:

Amend H. B. No. 197 by adding thereto another section reading as follows, viz:

"No member or employee of the board shall be entitled directly or indirectly, in any contract, construction or project pending before the board."

HOPKINS.

Read and unanimously adopted.

Senator Redditt sent up the following amendment to H. B. No. 197:

Amend Section 7 of H. B. No. 197 by adding at the end of said section the following:

An itemized statement of the expenditures hereunder shall be made up monthly by the Secretary of the board, and the same shall be filed in his office, and shall be, at all times, open for the inspection of the public.

REDDITT.

Read and unanimously adopted.

Amendment.

Amend Committee Amendment No.

1 to H. B. No. 197, as amended, by adding at the end thereof the following:

In no event shall any employee be paid in excess of two hundred (\$200.00) dollars per month.

REDDITT.

Read and adopted.

Senator Cotten sent up the following amendment:

Amend H. B. No. 197 by adding a new section to be known as Section No. 7 and inserted just after Section 6 renumbering the subsequent sections in accordance therewith. Such new section to read as follows:

"Section 7. Before entering any order approving any project, improvement or activity the board shall require sworn statements from the applicants and the attorneys, agents or representatives presenting the application and from the engineers, architects or other persons preparing plans and specifications on any project or improvement as to the fees, commissions or compensation each is to receive if such application is recommended and/or the loan or grant received from the United States Government, or any of its agencies, and the board shall make a finding with reference thereto which shall be included in the statement of facts and an order entered by the board. It shall be unlawful to pay fees, commissions or compensation whether to one or more persons, in excess of (5%) five per cent on the first one thousand dollars loan and/or grant on any such project or improvement, or more than (2%) two per cent on any sum in excess of one hundred thousand dollars, and any person violating this provision of this Section shall be guilty of a felony and upon conviction shall be imprisoned in the State Penitentiary for not less than one year nor more than two years." COTTEN.

Read.

Previous Question.

Senator Beck moved that the vious question be ordered on pending amendments and on H. B. No.

The motion was seconded.

The motion prevailed by viva voce vote.

mous consent that Senator Collie and Senator Hill be allowed to send up for consideration their amendments and be recognized to speak on them.

Unanimous consent was granted. The amendment by Senator Cotten was adopted by viva voce vote.

Senator Hill had unanimous consent to send up the following amendment:

Amend H. B. No. 197, Sec. 4 by adding at the end thereof on page 3, line 4 "but said board shall have no authority to engage the services of engineers or attorneys other than those regularly employed by State or Federal agencies for investigation or administration."

HILL.

Read and adopted.

Senator Collie had unanimous consent to send up the following amendment:

Amend the Hopkins amendment. line 10, after the words "Federal agency" the following: "and/or after taking final action upon same."

Read and adopted.

Senator Cotten sent up the followamendment:

Amend the caption to conform to the bill as amended.

> COTTEN. PACE.

COLLIE.

Adopted.

Motion to Reconsider.

Senator Woodruff moved to reconsider the vote by which the previous question was ordered on H. B. No. 197.

Motion to Table.

Senator Van Zandt moved to table the motion to reconsider.

The Chair stated that the motion to table was not debatable.

Point of Order.

Senator Woodruff raised the point of order on the ruling of the Chair,

The Chair, Lieutenant Governor alter F. Woodul, cited from Walter F. cited from annotations to Rule No. 52, page 263 "a motion to reconsider it debatable unless the proposition upon Senator DeBerry asked unani- which the motion to reconsider is made is not debatable (V5694-5699)" which sustained the Chair in his ruling.

The motion to table prevailed by the following vote:

Yeas-21.

Beck.	Neal.
Blackert.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Davis.	Rawlings.
DeBerry.	Redditt.
Duggan.	Regan.
Hornsby.	Shivers.
Hughston.	Van Zandt.
Martin.	Westerfeld.
Moore.	

Nays—7.

Burns.	Stone.
Hill.	Sulak.
Holbrook.	Woodruff
Sanderford	

Absent—Excused.

Fellbaum.	Small.
Hopkins.	

The bill was read the second time as amended and passed to third reading by the following vote:

Yeas-24.

Daala	Manna	
Beck.	Moore.	
Blackert.	Neal.	
Burns.	Oneal.	
Collie.	Pace.	
Cotten.	Poage.	
Davis.	Rawlings.	
DeBerry.	Redditt.	
Duggan.	Regan.	
Fellbaum.	Shivers.	
Hill.	Stone.	
Hornsby.	Van Zandt.	
Hughston.	Westerfeld.	
Navs-5		

Nays-5.

Hopkins.

Absent-Excused.

Small.

On	motion	of s	Senat	or On	eal th	ıe
consti	tutional	rule	requ	iring	bills t	O
be re	ad on t	hree	seve	ral da	iys wa	S
susper	nded an	d H.	В. 3	No. 1	97 wa	ıs
	n its th					
	e by the					

Yeas-28.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace,
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford,
Fellbaum.	Shivers.
Hill.	Stòne.
Hornsby.	Sulak.
Hughston.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
	N7 1

Nays—1.

Holbrook.

Absent-Excused.

Hopkins. Small.

Motion to Indefinitely Postpone.

Senator Holbrook moved to indefinitely postpone the final passage of H. B. No. 197.

Pending.

Privileged Motion.

Senator Van Zandt moved that the previous question be ordered on the motion to indefinitely postpone and on final passage of the bill.

The motion was seconded.

The motion to order the previous question prevailed by the following

Yeas-16.

Hughston.
Neal.
Oneal.
Pace.
Redditt.
Regan.
Van Zandt.
Westerfeld.

Nays—13.

Burns.	Sanderford.
Collie.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Martin.	Sulak.
Moore.	Woodruff.
Poage	

Absent—Excused.

Hopkins.	Rawlings.

The Chair recognized Senator

Woodruff on the motion to indefinitely postpone.

The motion to indefinitely postpone lost by the following vote:

Yeas-5.

Hill. Holbrook. Sulak. Woodruff.

Sanderford.

Nays-25.

Neal. Beck. Blackert. Oneal. Pace. Burns. Collie. Poage. Rawlings. Cotten. Redditt. Davis. Regan. DeBerry. Shivers. Duggan. Fellbaum. Small. Hopkins. Stone.

Hornsby. Hughston. Van Zandt. Westerfeld.

ш.

Absent-Excused.

Martin.

Moore.

Read third time and finally passed by the following vote:

Yeas-22.

Beck. Moore. Neal. Blackert. Oneal. Burns. Collie. Pace. Cotten. Poage. Rawlings. Davis. DeBerry. Redditt. Duggan. Regan. Fellbaum. Shivers. Van Zandt. Hornsby. Westerfeld. Hughston.

Nays—8.

Hill. Holbrook. Hopkins. Small. Stone. Sulak.

Sanderford.

Woodruff.

Absent-Excused.

Martin.

Motion to Reconsider.

Senator DeBerry moved to reconsider the vote by which H. B. No. 197 was finally passed.

Motion to Table.

Senator Pace moved to table the motion to reconsider.

The motion to table prevailed by viva voce vote.

Committee of the Whole,

Senator Holbrook moved that the Senate go into the Committee of the Whole, Friday at 10:30 o'clock, a.m., for the purpose of bringing before the committee for interrogation the representative of the Houston Press named in S. R. No. 44.

The motion prevailed.

Request for Executive Session.

Senator Oneal asked unanimous consent that the Senate go into executive session at 4:35 o'clock p. m. to consider the Governor's nominations.

Unanimous consent was granted.

Executive Session.

The Chair Lieutenant-Governor Walter F. Woodul stated that the hour set for executive session had now arrived, the chamber was cleared and the doors locked.

After Executive Session.

The Secretary of the Senate informed the Journal Clerk that the following action had been taken in executive session:

Committee Room.

Austin, Texas, Feb. 12, 1935. Hon Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred the following appointments, have had same under consideration, and I, as Chairman of said Committee, am instructed to report same back to the Senate with the recommendation that they be in all things confirmed:

To serve as members of the Board of Regents of the State Teachers Colleges:

R. A. Stuart, of Tarrant County.
J. D. Jackson, of Brewster County.

To serve as members of the State Board of Public Accountancy:

Frank Wilcox, of McLennan County.

J. B. Allred, of Wichita County.

C. M. Grider, of El Paso County.

T. B. Trotter, of Harris County. Clinton E. Smith, of Bexar County.

To membership on the Board of Directors of Texas Technological

To succeed R. A. Stuart, of Fort Worth (Nominated above for membership on the Board of Regents of the State Teachers Colleges), for unexpired term and for 6 year term beginning February 19, 1939, Mrs. W. R. Potter, of Bowie, Montague County.

ONEAL, Chairman.

Adopted February 14, 1935.

Messages From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives. Austin, Texas, Feb. 14, 1935. Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 18, Amending Section 20 of the Joint Rules of the House and Senate relative to conference reports.

H. C. R. No. 30, Memorializing Congress relative to the Agricultural Adjustment Act, and recommending certain changes.

· H. S. R. No. 63, Requesting the return of H. B. No. 201.

Respectfully submitted, LOUISE SNOW PHINNEY. Chief Clerk, House of Representatives.

Message From the House.

Hall of the House of Representatives. Austin, Texas, Feb. 14, 1935. Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 515. A bill to be entitled "An Act amending Section 5 of Chapter 3 of the General Laws of the Second Called Session of the Forty-third Legislature, making it a misdemeanor for any person to operate a passenger car, commercial motor vehicle or truck-tractor on public highways during any month of motor vehicle registration year without having attached to, and displayed thereon two license number plates. on rear and on front, lawfully assigned for said vehicle for that current year; providing this provision take up and consider H. B. No. 515.

shall not apply to dealers operating vehicles under present provisions of the law, and providing that re-registration license plates may be purchased during February, and March. and used immediately, and declaring an emergency."

S. B. No. 154, A bill to be entitled "An Act amending Sections 3, 4, 6, 9, and 12 of Chapter 13, Acts of the Second Called Session of the Fortyfirst Legislature, creating the Brazos River Conservation and Reclamation District under the authority of Section 59 of Article 16, of the Constitution of Texas and defining powers and duties of said district; providing for permanent directors and operation of the district; and the authority and duties of the directors; providing certain duties for the State Board of Water Engineers and the Governor of the State, providing that said district shall be governed by provisions of Chapter 25 of the General and Special Laws of the Regular Session of the Thirty-ninth Legislature and the various amendments thereto in all respects not specifically otherwise provided in this Act and adding two (2) new sections further defining the authority of the directors; and declaring an emergency."

Respectfully submitted, LOUISE SNOW PHINNEY, Chief Clerk, House of Representatives.

Bill and Resolutions Referred.

H. C. R. No. 18, referred to the Committee on Rules.

H. C. R. No. 30, referred to the Committee on Agriculture.

H. B. No. 515, referred to the Committee on State Highways and Motor Traffic.

Bill Signed.

Lieutenant-Governor The Chair Walter F. Woodul gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 154.

House Bill No. 515.

Senator Shivers moved to suspend the Constitutional Rule relating to the passage of general bills during the first 40 days of the session, and

Motion to Adjourn.

On motion of Senator DeBerry the Senate at 6 o'clock p. m. adjourned until 10 o'clock a. m. Friday.

APPENDIX.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, Feb. 14 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 154 carefully examined and compared and find same correctly enrolled. POAGE, Chairman.

Committee Reports.

Committee Room, Austin, Texas, Feb. 12, 1935. Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

S. B. No. 241, A bill to be entitled "An Act to prohibit the inclusion of moisture or other foreign substance in the ginning and baling of cotton or the insertion thereof in a bale of cotton after ginning, providing penalties for the violation thereof, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments.

DeBERRY, Chairman.

Committee Amendment No. 1.

Amend by adding after the word "sweepings" wherever it occurs the word "motes" and by adding after the word "moisture" wherever it occurs, the following: "other than standard atmospheric moisture."

Committee Amendment No. 2.

Amend by adding to the caption just after the word "moisture" the following: "other than standard atmospheric moisture."

Committee Room, Austin, Texas, Feb. 14, 1935. Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on

Highways and Motor Traffic, to whom was referred

H. B. No. 515, A bill to be entitled "An Act amending Section 5, of Chapter 3, of the General Laws of the Second Called Session, of the Forty-third Legislature, making it a misdemeanor for any person to operate a passenger car, commercial motor vehicle or truck-tractor on public highways during any month of motor vehicle registration year without having attached to, and displayed thereon two (2) license number plates, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOPKINS, Chairman.

Committee Room, Austin, Texas, Feb. 13, 1935. Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 225, A bill to be entitled "An Act to amend Acts of 1927, Fortieth Legislature, First Called Session, Chapter 80, by adding thereto Section 9-A, providing for the levying of a tax annually against the property in each of the counties composing a road district composed of two or more counties, for the purpose of securing rights of way within such district for such highways as such districts were created to construct, maintain and operate or acquire, and for the maintenance of such district highways as are not maintained by the State as State highways; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HOPKINS, Chairman.

TWENTY-SIXTH DAY.

Senate Chamber, Austin, Texas, February 15, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum,